

CHAPTER 409

AGRICULTURE

SENATE BILL 19-158

BY SENATOR(S) Ginal, Winter;
also REPRESENTATIVE(S) Froelich, Arndt, Bird, Duran, Galindo, Gonzales-Gutierrez, Jaquez Lewis, Kennedy, Kipp, Lontine,
Mullica, Sandridge, Valdez A.

AN ACT

CONCERNING THE CONTINUATION OF THE "PET ANIMAL CARE AND FACILITIES ACT", AND, IN CONNECTION THEREWITH, IMPLEMENTING SOME OF THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (17)(a)(IX); and **add** (27)(a)(XII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.
(17) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2019:

(IX) ~~The licensing of pet animal facilities by the commissioner of agriculture in accordance with article 80 of title 35, C.R.S.;~~

(27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(XII) THE LICENSING OF PET ANIMAL FACILITIES BY THE COMMISSIONER OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 80 OF TITLE 35.

SECTION 2. In Colorado Revised Statutes, 35-80-117, **amend** (1) and (2) as follows:

35-80-117. Repeal of article - sunset review - report to general assembly.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1) This ~~article~~ ARTICLE 80 is repealed, effective September 1, ~~2019~~ 2026.

(2) ~~Prior to such~~ BEFORE THE repeal, the licensing functions of the commissioner ~~shall be reviewed as provided for in~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 35-80-106.4, **amend** (1), (3) introductory portion, and (3)(d); **repeal** (3)(c); and **add** (3)(e) as follows:

35-80-106.4. Sterilization of ownerless dogs and cats required - rules - exceptions - violations. (1) An animal shelter or pet animal rescue shall not release a dog or cat to a prospective owner unless

~~(a)~~ the animal has been sterilized by a licensed veterinarian. ~~or~~

~~(b)(i)~~ The prospective owner signs an agreement to have the animal sterilized by a licensed veterinarian within ninety days after the date of release and deposits a fee, in an amount specified by rule of the commissioner, with the animal shelter or pet animal rescue.

~~(ii)~~ Upon receiving a written statement from the licensed veterinarian who performed the sterilization procedure that the dog or cat has been sterilized, the animal shelter or pet animal rescue shall refund the deposit to the prospective owner.

~~(iii)~~ If the prospective owner fails to provide the animal shelter or pet animal rescue with a written statement from a licensed veterinarian stating that the veterinarian performed a sterilization procedure on the dog or cat within ninety days after signing the agreement:

~~(A)~~ The prospective owner shall forfeit the deposit and the animal shelter or pet animal rescue shall forward the amount of the deposit to the pet overpopulation fund created in section 35-80-116.5 (5) or a local dedicated spay and neuter fund; and

~~(B)~~ The animal shelter or pet animal rescue may promptly reclaim the animal from the prospective owner.

(3) This section ~~shall~~ DOES not apply to:

~~(c)~~ Animal shelters or pet animal rescues with existing sterilization programs that ensure that every dog or cat is sterilized before being released; or

~~(d)~~ Public animal shelters eligible for waiver of licensing fees pursuant to rules promulgated by the commissioner; OR

~~(e)~~ A FACILITY IN AN AREA WITH LIMITED ACCESS TO LICENSED VETERINARIANS THAT HAS BEEN GRANTED AN EXEMPTION BY THE COMMISSIONER.

SECTION 4. In Colorado Revised Statutes, 35-80-112, **amend** (1) introductory portion, (1)(b), and (3); and **add** (4) as follows:

35-80-112. Disciplinary actions - denial of license - definition. (1) The commissioner, pursuant to the provisions of article 4 of title 24, ~~C.R.S.~~, may issue letters of admonition or deny, suspend, refuse to renew, restrict, or revoke any license authorized under this ~~article~~ ARTICLE 80 if the applicant or licensee:

(b) Has been convicted of A LOCAL, STATE, OR FEDERAL OFFENSE INVOLVING THE THEFT, IMPORTATION, CAPTURE, NEGLIGENCE, OR ABUSE OF AN ANIMAL; OR CRUELTY TO ANIMALS AS DEFINED IN ARTICLE 9 OF TITLE 18, ~~C.R.S.~~; OR ANY SIMILAR STATUTE OF ANY OTHER STATE;

(3) No licensee whose license has been revoked may apply or reapply for a license under this ~~article~~ ARTICLE 80 until two years after the date of the revocation. ~~In the case of an entity whose license was revoked under paragraph (b) of subsection (1) of this section,~~ The two-year period of ineligibility also applies to a principal, officer, director, manager, or any other person who has substantial control or authority over the daily operations of the entity, whether ~~he or she~~ THE PERSON applies individually or as a principal, officer, director, manager, or other person who has or would have substantial control or authority over the daily operations of the same or a different entity.

(4) AS USED IN THIS SECTION, "CONVICTED" MEANS HAVING ENTERED A PLEA OF GUILTY, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 18-1.3-102, OR A PLEA OF NO CONTEST, ACCEPTED BY THE COURT, OR HAVING RECEIVED A VERDICT OF GUILTY BY A JUDGE OR JURY.

SECTION 5. In Colorado Revised Statutes, **amend** 35-80-116 as follows:

35-80-116. Pet animal care and facility fund - fees - fines. (1) All fees ~~and civil fines~~ collected pursuant to this ~~article~~ ARTICLE 80 shall be transmitted to the state treasurer who shall credit the ~~same~~ FEE to the pet animal care and facility fund, which fund is hereby created. All ~~moneys~~ MONEY credited to the fund ~~shall be~~ IS a part of the fund and shall not be transferred or credited to the general fund or to any other fund except as directed by the general assembly acting by bill. Notwithstanding the provisions of this section to the contrary, all interest derived from the deposit and investment of this fund shall be credited to the general fund, in accordance with section 24-36-114. ~~C.R.S.~~ The general assembly shall make annual appropriations from the fund to the department of agriculture for direct and indirect expenses incurred in carrying out the purposes of this section.

(2) ALL CIVIL FINES COLLECTED PURSUANT TO THIS ARTICLE 80 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL FUND.

SECTION 6. Appropriation. (1) For the 2019-20 state fiscal year, \$123,007 is appropriated to the department of agriculture. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$121,007 for the animal industry division, which amount is based on an assumption that the department will require an additional 1.6 FTE; and

(b) \$2,000 for vehicle lease payments.

(2) For the 2019-20 state fiscal year, \$2,000 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of agriculture under subsection (1)(b) of this section. To implement this act, the department of personnel may use this appropriation to provide vehicles for the department of agriculture.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: May 31, 2019